



2815  
#15

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Jithamithra Sarathy, et al.  
Title of Invention : METHOD FOR BIT-RATE AND FORMAT  
INSENSITIVE PERFORMANCE MONITORING OF  
LIGHTWAVE SIGNALS  
Filed : May 9, 2001  
Serial No. : 09/852,582  
Examiner : NGUYEN, Joseph  
Art Unit : 2815  
Attorney Docket No. : 312/12

RECEIVED

APR 19 2004

TECHNOLOGY CENTER 2800  
SPECIAL PROCESSING CENTER

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REQUEST TO WITHDRAW THE NOTICE OF ABANDONMENT**

Dear Sirs,

Applicants have just received a Notice of Abandonment mailed February 27, 2004 from the USPTO, in which Applicants are informed that the application is abandoned because no reply has been received in response to the Office Action dated September 16, 2002.

Applicants have reviewed the file of the application, and believe that a response to the Office Action dated September 16, 2002 was timely submitted on October 28, 2002 and was received by the USPTO on November 4, 2002 (as shown on the return postcard received from the USPTO). A copy of the submission on October 28, 2002 as well as the return postcard from the USPTO are enclosed herewith.



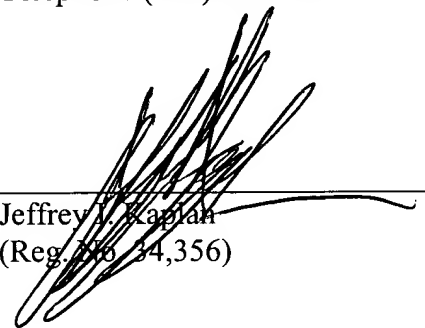
Therefore, Applicants respectfully request that the Examiner withdraw the Notice of Abandonment and continue the examination on the application. No fee is believed due.

However, the Examiner is authorized to deduct any fees believed due from our Deposit Account No. 11-0223.

Respectfully submitted,

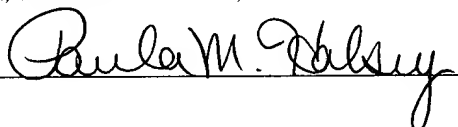
KAPLAN & GILMAN, L.L.P.  
900 Route 9 North  
Woodbridge, New Jersey 07095  
Telephone (732) 634-7634

DATED: March 9, 2004

  
Jeffrey I. Kaplan  
(Reg. No. 34,356)

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited in the United States Postal Service as first-class mail, in a postage prepaid envelope, to Mail Stop Non-fee Amendment, Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450 on March 9, 2004.

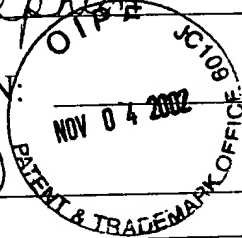
Dated March 9, 2004 Signed  Printed Name Paula M. Halsey

KAPLAN & GIMAN, L.L.P. Date 10/28/02 Atty MRP

Re: Method for Bit-Rate and Format Insensitive  
Performance Monitoring of Lightwave Signals  
Atty Dkt No. 312/12 Client Name: Alphion

S/N: 09/852,582 R/N: \_\_\_\_\_ IP/N: \_\_\_\_\_

Enclosures: Amendment (9 pgs)



The stamp of the PTO mailroom hereon indicates receipt of the  
identified document(s) on the date of such stamp.

KAPLAN & GILMAN, L.L.P. Date 10/28/02 Atty MRP

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